

Meeting Date: January 4, 2001
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MEETING ATTENDANCE

TGPC Members

Mary Ambrose	TNRCC
Richard Ginn	RCT
Stefan Schuster	TWDB
C. Allan Jones	TAES
Donnie Dippel	TDA
Lee Parham	TDLR
Alan Dutton	BEG
Barry Miller	TAGD
Alan Morris	TDH
Richard Egg	TSSWCB

Agency Staff

<u>Agency Staff</u>	<u>Affiliation</u>	<u>Program</u>
Cary Betz	TNRCC	Technical Analysis Division
Frank Fuller	TNRCC	Policy and Regulatory Division
Alan Cherepon	TNRCC	Technical Analysis Division
Steve Musick	TNRCC	Technical Analysis Division
Jim Thomas	TNRCC	Technical Analysis Division
Chuck Dvorsky	TNRCC	Technical Analysis Division
John Hoffman	TNRCC	Executive Assistant to Commissioner Baker
Stephanie Bergeron	TNRCC	Executive Assistant to Chairman Huston
Steve Walden	TNRCC	Strategic Environmental Assessment
Minor Hibbs	TNRCC	Intergovernmental Relations
Bruce Lesikar	TAEX	
Bo Spoons	TDA	
Deborah Danford	TDA	
Stovy Bowlin	BSEACD	

Interested Parties

<u>Interested Parties</u>	<u>Affiliation</u>
Lynne Fahlquist	USGS
Eric Strom	USGS
Jim O'Connor	SAWS.
Ken Kramer	Sierra Club of Texas
Mary Sanger	Texas Center for Policy Studies
Ali Abzari	URS
Denise Rhodes	Pesticide Interests
(21 in audience)	

MEETING HANDOUTS

1. Agenda
2. Agricultural Chemicals Subcommittee Report
 - Priority Groundwater Management Area (PGMA) Update
 - Powers and Duties of Committee
 - State Groundwater Protection Strategy
 - Draft Core Assessment
 - Groundwater Contamination Information and Reports; Rules
 - Table of Contents, Joint Groundwater Monitoring and Contamination Report - 2000
 - Letter to Member Agencies re: Joint Groundwater Monitoring and Contamination Report - 2000
 - TNRCC Rules in Process - Rules Tracking Log
 - Report on the Interagency Pesticide Database
 - Publications of TWDB
 - Publications of BEG

MEETING RECORD OF JANUARY 4, 2001

Mary Ambrose, Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the FY2001, Second Quarter Meeting to order at 1:06 p.m.

- Bruce Lesikar, TAEX, Chair.

Subcommittee has not met since last Committee meeting. A meeting is planned for January 18, 2001, at TNRCC headquarters in Austin Texas, to work on revising the educational materials that accompany the abandoned water well closure video.

- Steve Musick, TNRCC, Chair.

The Agricultural Chemicals Subcommittee held its FY 2001 Second Quarter Meeting on January 4, 2001 at 10:10 a.m. The members were first updated on Task Force activities, including the Site Selection Task Force, the Education Task Force, the State Management Plan Task Force, the Best Management Practices Task Force and the Data Evaluation and Interpretation Task Force (DEITF). The DEITF presented reports on contamination investigations of atrazine detections in Tulia and Dimmit public water supply systems.

The members were also briefed on the final results of the Panhandle area cooperative atrazine sampling project. 734 wells were sampled with atrazine detects in 26 wells.

There were no public comments or other business.

- Cary Betz, TNRCC, representative. The Data Management Subcommittee has not met since the last Committee meeting. Subcommittee tasks assigned at the last meeting are related to a business item on this agenda, however, since the subcommittee has not met, those tasks have not been accomplished either. We are still accepting names for membership from participating agencies, and still wrestling with who should serve as a co-chair for this committee.

TNRCC staff has continued compiling "issues" with data collection for the eventual use by the data management subcommittee.

Steve Musick, TNRCC, described the PGMA program that has been in existence since 1985, but has experienced a "rebirth" with passage of Senate Bill 1 by the 75th Legislature (1997). Previously, a Priority Groundwater Management Area was called a "Critical

Area”, and is defined as an area that is experiencing or is expected to experience critical groundwater problems in the next 25 year planning horizon. Critical groundwater problems include shortage of water supply; shortage of surface water; shortage of groundwater; effect of local pumping, including land subsidence or significant lowering of water levels in an aquifer.

The program is designed such that state agencies are to identify problem areas and work through a process to encourage groundwater management at a local level. There are presently 50 established groundwater conservation districts. An additional 13 temporary districts must be ratified by the legislature during this session. Blanco Groundwater Conservation District had been created, but not confirmed, and similarly, Bee County Groundwater Conservation District has not yet been confirmed by the voters.

Senate Bill 1 added a more formal public participation process, extended the planning horizon from 20 to 25 years, added Texas Parks and Wildlife Department as a participant and provides the opportunity for Texas Department of Agriculture to participate if agricultural interests are present. An education component was added to the process to get the Texas Agricultural Extension Service out into the critical areas.

The basic phases of the PGMA process include:

- Identification phase. TNRCC and TWDB meet and compare information on water levels, declines, and pumping, to make a tentative identification of what areas might need a more detailed study. At that point TNRCC is responsible for initiating and driving the process. TNRCC sends out notice to stakeholders in the particular area under study.
- Study phase. TNRCC solicits participation from local stakeholders, request reports from TPWD and TWDB, and notify TDA that there is an opportunity for them to present information.
- Report recommendation phase. All of the information is pulled together by TNRCC staff, and a recommendation is made to the Commission as to whether or not the area should be designated.
- Designation phase. Involves a public evidentiary hearing before and Administrative Law Judge for further public comment.
- Creation phase. Once the area has been designated by the Commission, there is an opportunity for local government to create a district in that area before the Commission steps in to create one. Local people have the opportunity to create a district that is more suitable to their needs, rather than have one imposed by a state agency.
- Education phase. Really kicks in once the area and type of groundwater management is identified.

In the study process, the TWDB provides an appraisal of the groundwater data of the area, the current use in the area, and, perhaps the most critical information, a project of the use and demand for the 25 year planning horizon.

TPWD looks at groundwater resources in terms of habitat needs and species concerns, and TDA would look at the effects of designation and groundwater management on the agricultural community and activities.

Educational development has improved considerably since Senate Bill 1 was enacted, with the assistance of the Texas Agricultural Extension Service which has produced a number of very good handouts that have been distributed to persons interested in district creation and to people who are in areas where we are doing or have done PGMA designation. TAES has also sent representatives out to a number of counties to make presentations, helping a number of people who still don't understand the PGMA or district creation process, even after the public hearings and other activities, thereby helping any potential groundwater conservation district during the voter confirmation process.

Currently there are 17 study areas, and five have been designated as Priority Groundwater Management Areas, five areas were determined in 1990 not to be Priority Groundwater Management Areas, but to have sufficiently significant problems to be revisited in future years, and six areas were determined not to be PGMA's, and not to have sufficiently significant problems to warrant an update. The most recent study for the Northern Bexar County Study Area, is still pending.

In four of the five designated areas, there has been significant activity on the local level to create groundwater conservation districts, however, there remain some areas within the designated PGMA's that are not within a groundwater conservation district, and TNRCC is required to go back into these areas a develop a groundwater conservation district creation proposal.

This process is currently underway in three main areas. A report has been prepared for the Reagan Upton Midland counties area that details the options available to the local governments for district creations or annexation. Annexation options are being explored for the remaining areas in the Texas panhandle, and Dallam County's options will be addressed this summer.

During the designation of the El Paso PGMA, the Commission determined that a district created under Chapter 36 would not have the appropriate authority to manage groundwater due to the PGMA's proximity to Mexico, Ciudad Juarez, and New Mexico, and that special legislation would be needed to create a more flexible entity to manage groundwater resources in that area. We are anticipating activity in the upcoming legislative session.

John Hoffman, TNRCC, presented a proposal by the TNRCC for the TGPC to redirect efforts from the CSGWPP into a farther reaching Texas Groundwater Protection Strategy

The TGPC is charged with developing a comprehensive strategy for the protection of groundwater in the State of Texas, that coordinates the activities of all of the participating agencies and documents what needs to do be done to protect groundwater. The Committee last addressed this duty directly in 1988 through the formal publication of the *Texas Ground Water Protection Strategy*. Since that time, there has been several efforts to describe the groundwater protection programs and authorities of state agencies with respect to groundwater. First in the *Texas Ground Water Protection Profiles*, 1991, and later in the annual *Joint Groundwater Monitoring and Contamination Report*. Obviously there have been many changes in agencies and the programs that they administer since 1988. The more recent publications have focused on the water quality aspects of various programs rather than the state strategy for groundwater protection.

The Committee has been working on the Comprehensive Groundwater Protection Plan since EPA finalized its guidance. This process has resulted in the draft Core Assessment that the Committee has been reviewing. This has followed an EPA model of six strategic activities which focus on programs that address groundwater contamination under federal regulatory programs. However, persons familiar with the CSGWPP process have indicated that preparing a plan is an arduous task, and that securing approval of the plan is even more so. The guidance is at best sketchy, and subject to wide interpretation.

TNRCC staff briefed their upper management on the Draft Core Assessment in anticipation of this meeting. They liked the concept of putting together a document which provides the state's strategy for the protection of groundwater, but felt that the CSGWPP was not a strategy—it is an assessment of how example programs meet the EPA scoring criteria to achieve a federal view of a comprehensive program. After discussion of the charge given to the Committee under the Water Code, TNRCC staff was directed to return to the TGPC and propose that a new direction be taken to possibly use the CSGWPP as a basis, but not the ultimate result, to craft a true strategy that is suitable for the State of Texas, and not just format a Texas plan that is based on something that is arbitrarily put together by EPA in Washington D. C.

The importance of groundwater, as a long term resource, has been brought to the forefront by several issues. Regional Management plans developed under Senate Bill 1 and recent drought conditions have focused attention on the importance of protecting this resource. It is the responsibility of the full membership of the Committee to develop and update the state groundwater protection strategy to provide guidance for the coordination of the groundwater protection activities (both regulatory and non-regulatory) of the Committee

membership for the prevention of groundwater contamination and for the conservation of groundwater.

This strategy will not duplicate the efforts of the Texas Water Development Board and the Regional Planning Groups regarding groundwater management under SB 1, but will acknowledge and incorporate these efforts into the state groundwater protection strategy regarding conservation. The state groundwater protection strategy will not seek to be a new regulatory effort or an attempt to supplant existing authority or programs in other agencies or areas. It will document the existing programs and relationships between the Committee members and provide for the coordination of the groundwater protection activities of the agencies represented on the Committee.

The question was asked whether the intent would be to still take such a strategy to EPA under the CSGWPP program. No, the intent would not necessarily be to submit it under their current protocols, but to give EPA Region VI a copy of the strategy. The existing Core Assessment is very narrowly focused on the function of regulatory programs. There are many non-regulatory programs in the state with the aim of protecting groundwater, and these have no place to be counted among the six strategic steps of the CSGWPP process. The State of Texas Groundwater Protection Strategy would be more encompassing, more reflective of all programs, not just limited to those meeting the specifics of the EPA guidance.

TGPC chair, Mary Ambrose, has included in the member's packets Chapter 26, Section 405 of the Texas Water Code, which lays out the duties of the Committee, and also states the charge for the development of a comprehensive groundwater protection strategy. Mr. Hoffman is not talking about trashing what has already been accomplished, but looking a reformatting it into something more usable and state specific. The chair would like to set up a workgroup to look at this and try to follow through on the proposal. The group would not necessarily have formal meetings, but would serve as support and discuss conceptually what the strategy might be in order to bring it to discussion at the next Committee meeting.

Workgroup volunteers include - Alan Jones (TAES), Richard Ginn (RCT), Stefan Schuster (TDWB), Mary Ambrose (TNRCC)

The chair asked if anyone saw anything in the talking points handout that they or their agencies, at first look, would be philosophically opposed to and if they wanted to go ahead and bring up at this time, instead of as the Committee worked through it. No one indicated any reservations or problems.

Mr. Hoffman requested that if, based on what the Committee members had heard, anyone had any negative thoughts on the proposal that they let him know so that he could take the initial reaction back to his supervisors. Initial response was that it is never a bad idea to

go back and look at things, that the redirection appears to be timely, and that the idea generally shifts the focus back to SB 1 issues.

_____ Additional Members are still needed. Stefan Schuster will be proposing members from TWDB. Kevin Wagner - oversight committee.

_____ Thursday, April 19, 2001, 1:00 p.m.

TGPC Legislative Report - Final Disposition of Legislative Recommendations and Report. The report was delivered as required under the statute. Since the Governor and Lieutenant Governor have changed, additional copies will be sent to the new office holders and their staffs.

Joint Groundwater Monitoring and Contamination Report - 1999/2000

1999 Report Status - report is complete except for final summary and table of contents and has gone to review by chair of the Committee.

Discussion of Calendar Year 2000 Report and Table of Contents. Having encountered a number of problems in the preparation of the CY 1999 report, and having solved those problems, we are now ready to begin data gathering activities for the CY 2000 report. Electronic copies of the data tables and text that was included for participating agencies in the CY 1999 report have been provided to the representatives present at this meeting for revision and update. TNRCC management has impressed upon agency staff a renewed emphasis on the importance of this report, and the importance of its timely completion, and, in order to try to meet the April 1 deadline, we are asking participating agencies to submit their data by February 16, 2001, as stated in the memorandum in the members' handout packets.

TNRCC tracking log:

Amendments to Chapter 285 (On-site wastewater) are still open for comment. Comment period closes on the 12th, and there will be a hearing on the 11th of this month on those proposed changes.

The revisions to the Class V injection well rules are scheduled to be brought before the Commission on January 10, for approval for publication, and if approved, they will be published, most likely, in the January 29, Texas Register for review.

Groundwater Protection Council (GWPC) Annual Policy Forum March 25 - 27, 2001
Alexandria VA

Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) mid-winter meeting March 18-21, 2001, Alexandria VA.
Association of State Drinking Water Administrators (ASDWA) winter meeting March 13-16, 2001, Alexandria VA
TNRCC Environmental Trade Fair, April 30 - May 2, 2001, Austin TX.
TWBD Senate Bill 1 rule amendments (Chapter 353, 355 and 357) will be up for public comment before TGPC meets again
Web sites newsgroups available from TAES - "Water Talk"
Texas Water Resources Institute is soliciting liaisons with state agencies, and encourages agency staff to check into newsgroups and email lists available at TAES
January 30 through February 2, Texas Groundwater Association's annual Trade Fair in Waco. TWDB staff will be present to discuss on-line reporting into the water well database for water well driller logs.
Surface Water Meeting January 12, 2001 (canceled)
BEG's annual report and publication listing will be published by next Committee meeting and will be made available to those interested. Publications of particular note include:
 Report of Investigations 261 (Scanlon et. al.) focusing on relationships between recharge processes and different geomorphic setting in arid areas of west Texas

None

Chair Mary Ambrose adjourned meeting at approximately 2:15 p.m., CST.

Respectfully submitted,